

CALFRESH REQUEST FOR POLICY INTERPRETATION**PI# 17-80**

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Retain a copy for your records and submit via email to CalFresh-PI@dss.ca.gov.

Please note: the policy interpretation provided is based on the unique set of facts presented and should not be assumed to apply in all scenarios.

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Other:		5. DATE OF REQUEST: 08/11/2017	NEED RESPONSE BY: 08/18/2017
2. REQUESTOR NAME:		6. COUNTY/ORGANIZATION: Madera County DSS	
3. PHONE NO.: EMAIL:		7. SUBJECT: 40 Quarters / Federal Means-Tested Programs	
4. REGULATION CITE(S): 63-405.4, ACIN I-65-11, POMS SI 00502.135 A 6 & 7		8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s). 63-405.4, ACIN I-65-11, DNH Information Notice 97-19, Federal Register v 63 # 129 7/7/98; POMS SI 00502.135 A 6 & 7	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

1. What constitutes a federal means tested benefit for the purposes of counting qualifying quarters? In particular - WIC, Section 8, HUD, Housing Authority.

2. Can the quarter be counted if the spouse or child of the person earning the quarter received federal means-tested benefits during the quarter?

Scenario: Married couple with three children under 16. Dad is LPR with an entry date of 12/11/14 and 9 quarters of work. Mom and children are US citizens. Mom has 35 quarters (3 for 2007 and 4 for 2008 through 2015). The children received Healthy Families from 1/2010 through 12/2014. Would those quarters be countable? Mom earned the quarters and did not receive Healthy Families for herself.

10. REQUESTOR'S PROPOSED ANSWER:

The only federal benefits that are considered "means-tested" are: Supplemental Security Income (SSI), food stamps, TANF, Medicaid (non-emergency), and CHIP, therefore these are the only programs that can be used against quarters.

FR 36654 - Consistency: A Department of Health and Human Service (HHS) notice published 8/26/97 (62 FR 45256) and a SSA notice (62 FR 45284) have determined that Federal means-tested public assistance benefits applies to means-tested mandatory spending programs. Therefore, this interpretation is consistent with that of other agencies.

63-405.4 Beginning with the first quarter of 1997, no credit shall be countable if the individual who earned it received any federal means-tested public benefits.

The quarter is countable as the earner of the quarter did not receive any Federal means-tested benefits.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

CDSS agrees with the proposed response based on the scenario given, but adds the following from federal regulation at 7 CFR 273.4 (a)(6)(ii)(A): the only other credits countable other than the recipient's own, are the quarters credited from the work of a parent of the recipient before the recipient became 18; and quarters credited from the work of a spouse of the recipient during their marriage if they are still married or the spouse is deceased.

The individuals whose credit shall not be countable if the individual who earned it received any means-tested public benefits are as follows: the recipient, the recipient's parent, or recipient's spouse. Therefore, any federal means-tested public benefits granted to the recipient's children are not deemed as ineligible quarter credits.

FOR CDSS USE

DATE RECEIVED:

10/03/2017

DATE RESPONDED TO COUNTY/ALJ:

10/10/2017